

IN THE HIGH COURT OF MALAWI

LILONGWE DISTRICT REGISTRY MISC CRIMINAL APPEAL NO. 73 OF 2007

BETWEEN

FELIX CHISAKASA

VS

THE REPUBLIC

CORAM : HON. JUSTICE NYIRENDA

: Chembezi Counsel for the State
: Thabo Nyirenda Counsel for the Applicant
: L.C. Munyenyembe Court Interpreter

JUDGMENT

This is an application for bail by Felix Chisakasa who is answering a charge of robbery contrary to section 301 of the Penal Code before the Resident Magistrate Court at Mchinji.

The short story is that the applicant was arrested on the 27th June 2007 on the allegation that he robbed another person of the sum of K3,500,000.00. The applicant is a policeman and at the material time he was stationed at Mchinji Police Station.

The application for bail first came before the Senior Resident Magistrate at Mchinji who refused to grant the applicant bail because at the time of the application on the 26th of June 2007, Police had not finished investigating the matter and further that it was feared the applicant would interfere with witnesses.

In coming to this court the applicant is dissatisfied with the lower court's decision and further argues that the investigation is now over. There is therefore no reason for continuing to keep him in custody.

I have looked into the circumstances of this case very closely and would tend to agree with the objectives raised by the State. What is true is that both Police investigation and prosecution has moved very fast. The applicant was in custody barely a few days by the time he was brought before court and charged with the offence of robbery. Furthermore the offence for which the applicant is charged is serious in nature. The story is that a friend of the applicant who is supposed to be a witness was allowed bail in another case and has since absconded. Surely if the applicant was allowed bail he would go out there and encourage his friend to continue in hiding.

I urge the prosecution and the court to continue with the speed which they have already demonstrated in dealing with this matter.

Bail is denied and the application is dismissed.

PRONOUNCED at Lilongwe this 11th day of July 2007.

A.K.C. Nyirenda

J U D G E